

Appl. No. 10/038,756  
Amdt. dated September 24, 2003  
Reply to Office Action of June 24, 2003

**REMARKS/ARGUMENTS**

Claims 1 - 29 are pending in this application.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed June 24, 2003, Claim 8 was rejected under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. This rejection is respectfully traversed to the extent that it may apply to the presently presented claim.

The Examiner stated that the recited limitation "pores on the surface of sheet are substantially closed-celled" is not enabling. The Examiner stated that it would not be clear to one of ordinary skill in the art as to how to use a foam having a substantially closed-cell surface for fluid absorption and transport. Applicants respectfully point out that one skilled in the art would understand that a foam as claimed would be wettable, even without open pores; thus, as claimed in the present invention, it would be found to be useful in absorption and transport. In view of the foregoing remarks, the Applicants believe that the rejection should be withdrawn.

By way of the Office Action mailed June 24, 2003, Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims. The Examiner pointed out that Claim 6 is dependent upon a non-existent Claim 63, requiring correction. Claim 6 has been amended to depend from Claim 5. In view of the above amendment, the Applicants believe that the rejection should be withdrawn.

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By way of the Office Action mailed June 24, 2003, Claims 1 - 29 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 3,954,493 issued to Battista et al. (hereinafter referred to as the "Battista et al. reference"). This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

The Examiner stated that the Battista et al. reference is directed to regenerated cellulose sponges of increased absorbency. The Examiner also stated that the Battista et al. reference teaches that it is well known that regenerated cellulose sponges are formed from a mixture of viscose, reinforcing fibers such as linen, jute, cotton, regenerated cellulose fibers and the like. The Examiner, discussing the Battista et al. reference, also stated that it is believed that a sponge is inherently an open-celled foam. The Examiner states that the distribution of closed-celled and open-celled structures of the sponge is either inherently disclosed or an obvious optimization to one skilled in the art, motivated by the desire to obtain the desired rate of fluid absorption.

Applicants point out that the Battista et al. reference teaches that "regenerated cellulose sponges are formed from a mixture of viscose, reinforcing fibers ..., and a pore forming constituent". (See Col. 1, lines 15 - 24). In addition, the Battista et al. reference discloses that "[t]he present invention is based upon the unexpected discovery that regenerated sponges of improved characteristics for the above-mentioned purposes may be prepared by saturating regenerated cellulose sponge material so as to uniformly distribute throughout the sponge a film-forming polymer whereas the coating of the sponge material results in a diminution of the characteristics particularly the absorbency of the sponge". (See Col. 4, lines 20 - 27). The Battista et al. reference teaches that the sponge is washed to remove soluble materials, excess water is removed, and then it is immersed in a solution or dispersion of a water-soluble or water-dispersible, hydrophilic, film-forming polymer to saturate the sponge. To ensure thorough saturation and impregnation of the sponge and distribution of the film-forming polymer uniformly throughout the sponge, it is squeezed and released repeatedly while immersed. (See Col. 4, lines 46 - 59).

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In view of the foregoing remarks of the Applicants and the remarks of the Examiner stating that the Battista et al. reference teaches using viscose as a component of the regenerated cellulose sponge having a film-forming polymer distributed throughout the sponge and resulting in an open-celled sponge, the teachings of the Battista et al. reference would not teach or suggest to one skilled in the art the claimed invention. There must be some logical suggestion or motivation to justify a combination or modification of the cited art reference. The reference cited by the Examiner provides no impetus to arrive at the Applicants' claimed invention, especially in view of the remarks made above regarding the Battista et al. reference. Therefore, one skilled in the art, aware of the Battista et al. reference, would not have arrived at the claimed invention. In view of the foregoing remarks, the Applicants believe that the rejection should be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-7671.

Respectfully submitted,

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I, Judy Garot, hereby certify that on September 24, 2003 this document is being transmitted via facsimile to the United States Patent and Trademark Office at (703) 872-9310.

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